



Air Permits Update: 2023

Air & Waste Management Association
Louisiana Section

October 26, 2023

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Air Permits Division



Vacancies

2023 retirees/departures:

- Cathy Wilson, Mei Wu, Tien Nguyen, Faye Taylor, D'iana Francois

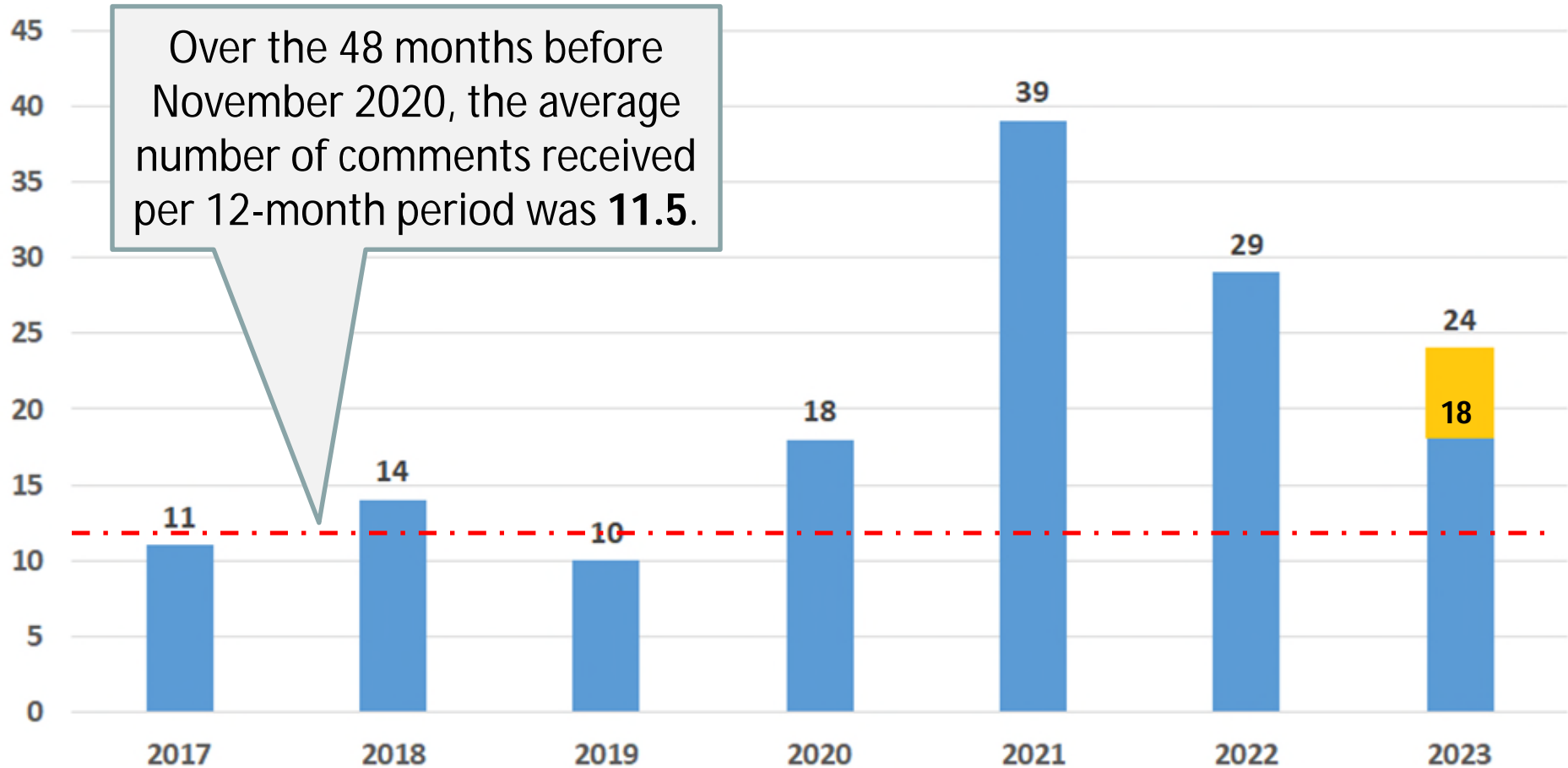
Air Permits currently has 3 Environmental Chemical Specialist vacancies.

- Lower stress environment
- Generous annual and sick leave
- Spacious cubicle
- Extravagant salary



Public Comments

Number of Proposed Permit Actions Receiving Comments

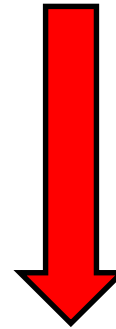




Public Comments

Parishes (2022 and 2023 only):

- Calcasieu (28)
- EBR (4)
- St. James (4)
- Cameron (3)
- Beauregard (3)
- Ascension, Caldwell, Grant, Jefferson, and St. Bernard (1 each)





Nucor Objection



Nucor Objection: Use of AP-42 Factors

The permit record:

- does not properly justify why the factors are representative of the facility's actual emissions; and
- fails to provide the "legal and factual basis for use of AP-42 factors."

The permitting authority must provide a reasonable explanation in the permit record for why the selected emission factor is sufficiently reflective of the facility's actual emissions to ensure continuous compliance with the relevant applicable requirement.



Nucor Objection: Manufacturer Guarantees

LDEQ failed to provide any “technical support, design calculations or vendor literature certified by manufacturer of the equipment with test data to support its assumption that the stated emissions limits can be achieved while operating at certain operating conditions.”

For the PTE to be an enforceable limit, such design and operational parameters must be included in the Permit and documented in the permit record.



Nucor Objection: What EPA Accepts

EPA's Part 71 permit application:

- Your emission calculations may be based on generally available information.
- "Unknown" is an acceptable option if PTE can't be determined "without conducting new source testing or extensive studies."
- EPA may request additional information regarding the basis of the values.



SWAG



PM_{2.5}



PM_{2.5} NAAQS

On January 27, 2023, EPA proposed to revise the PM_{2.5} NAAQS by lowering the annual standard from 12 $\mu\text{g}/\text{m}^3$ "to within the range of 9.0 to 10.0 $\mu\text{g}/\text{m}^3$."

- EPA invited comments on alternative annual standard levels down to 8.0 $\mu\text{g}/\text{m}^3$ and up to 11.0 $\mu\text{g}/\text{m}^3$.



PM_{2.5} Design Values (2020 – 2022)

Monitor	Parish	DV
Westlake	Calcasieu	9.9*
Shreveport-Calumet	Caddo	9.6
Port Allen	West Baton Rouge	8.8
Baton Rouge-Capitol	East Baton Rouge	8.5
Chalmette-Vista	St. Bernard	8.0
Lafayette-USGS	Lafayette	7.9
I-610 New Orleans Near Road	Orleans	7.8
Geismar	Iberville	7.7
Kenner	Jefferson	7.7
Marrero	Jefferson	7.6
Hammond	Tangipahoa	7.5
Monroe	Ouachita	7.5
Alexandria	Rapides	7.4
Vinton	Calcasieu	7.4
Houma	Terrebonne	7.2

* 2022 only



EPA Disapprovals



EPA Disapprovals: Variances

On February 24, 2023, EPA proposed “to make a finding of substantial inadequacy and issue a SIP call” for LAC 33:III.917.

- The Clean Air Act does not allow for exemptions from otherwise applicable SIP emission limitations, whether automatic or through the exercise of a state official’s discretion.
- Director’s discretion provisions are impermissible.
- Such an interpretation would make the state official the unilateral arbiter of whether the excess emissions in a given event constitute a violation.



EPA Disapprovals: Chapter 22

On June 13, 2023, EPA proposed to disapprove a revision to Louisiana's SIP seeking to incorporate work practice standards designed to minimize NO_x emissions from certain sources subject to Chapter 22 during periods of startup and shutdown.

- If an affected source cannot comply with the emission factors in Table D-1 when accounting for SU/SD emissions, let LDEQ know.
 - 52 facilities are subject to Chapter 22.
 - Compliance for most sources is determined on a 30-day rolling average.
 - Only sources that are intentionally shut down ≤ 1 time per month may comply with work practices.



Other Notable EPA Actions



Ozone NAAQS

On August 21, 2023, EPA announced the agency would conduct a “full and complete” review of the ozone NAAQS.

- A lowered standard would likely result in the Baton Rouge area (once again) being designated as nonattainment.
- Based on 2020-2022 design values, all other areas of the state are safe unless the standard is reduced to less than 65 parts per billion.



Federal “Good Neighbor Plan”

Federal “Good Neighbor Plan” for the 2015 Ozone NAAQS

- Promulgated June 5, 2023, but stayed by EPA for sources in Louisiana following the Fifth Circuit’s stay of EPA’s disapproval of Louisiana’s SIP.
- Natural gas-fired ICEs ≥ 1000 hp used for pipeline transportation of natural gas (358 affected units at 68 facilities)
- Glass manufacturing furnaces (1 affected unit)
- Boilers ≥ 100 MM Btu/hr located at certain industries (42 affected units at 20 facilities)



MACT and NSPS Amendments

On April 25, 2023, EPA proposed revisions to standards for the SO2 and Polymers and Resins industries.

- 40 CFR 63 Subparts F, G, H, I (HON), U, and W
- 40 CFR 60 Subparts VVb, IIIa, NNNa, and RRRa
- Fenceline monitoring for benzene, 1,3-butadiene, ethylene dichloride (EDC), vinyl chloride, ethylene oxide, and/or chloroprene
- LDEQ estimates up to 53 major source affected facilities.



Oil and Natural Gas Sector

New NSPS and Emissions Guidelines for the Oil and Natural Gas Sector

- Proposed November 15, 2021; supplemental proposal December 6, 2022
- Establishes a new Subpart 0000b for sources constructed, modified, or reconstructed after November 15, 2021
- Establishes emissions guidelines (Subpart 0000c) for sources constructed on or before November 15, 2021
 - Requires states to submit plans to EPA no later than 18 months after promulgation



GHG Regulations for EGUs

New Greenhouse Gas NSPS and Emissions Guidelines for Electric Generating Units

- Proposed May 23, 2023
- Establishes a new Subpart TTTTa for EGUs constructed or reconstructed after May 23, 2023
- Establishes emissions guidelines (Subpart UUUUa) for EGUs constructed on or before January 8, 2014
 - Requires states to submit plans to EPA no later than 2 years after promulgation
- Rules will require many EGUs to be equipped with CCS or co-fire H₂ beginning in the 2030s.



Affirmative Defense

On July 21, 2023, EPA removed affirmative defense provisions from the Part 70 Operating Permit Program.

- LAC 33:III.507.J
- EPA expects that states with Part 70 programs containing impermissible affirmative defense provisions will submit to the EPA either a program revision, or a request for an extension of time, within 12 months of the effective date of this final rule—*i.e.*, by August 21, 2024.



Air Emissions Reporting Requirements

On August 9, 2023, EPA proposed revisions to its Air Emissions Reporting Requirements (AERR) rule.

- Requires area sources to report HAP emissions.
- Requires emissions from mobile and non-road sources operating primarily within the facility site boundaries to be reported.
- Comment period extended to November 17, 2023.
- Greatly expands LDEQ's workload and would likely necessitate major revisions to ERIC.



Questions / Comments?

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